

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)

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THIS DOCUMENT RELATES TO:

***THOMAS E. BURNETT, SR., ET AL. VS. AL BARAKA
INVESTMENT AND DEVELOPMENT CORP., ET AL.
03 CV 9849 (RCC); 03 CV 5738 (RCC)***

**DECLARATION OF JUSTIN B. KAPLAN IN SUPPORT OF PLAINTIFFS'
CONSOLIDATED MEMORANDUM OF LAW IN OPPOSITION TO THE
MOTION TO DISMISS OF ABDULLAH AL RAJHI**

JUSTIN B. KAPLAN declares under penalty of perjury:

1. I am an attorney admitted to practice *pro hac vice* before this Court and am an associate with MOTLEY RICE LLC, counsel for plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action Nos. 03 CV 9849 and 03 CV 5738. I submit this declaration to provide the Court with the exhibits on which plaintiffs rely in their Memorandum of Law in Opposition to the Motion to Dismiss of Abdullah Al Rajhi.

2. Attached as Exhibit 1 is a true and accurate copy of the articles of incorporation in the Commonwealth of Virginia for Aradi, Inc. dated May 2001, listing "Abdullah Sulaiman Al-Rajhi" as President.

3. Attached as Exhibit 2 is a true and accurate copy of a pleading entitled, "Re – Amended Defence" in *Al Rajhi Banking and Investment Corporation and The Wall Street Journal Europe SPRL*, Case No. HQ 02X00924, (In the High Court of Justice,

Queen's Bench Division) amended by order of the Honorable Mr. Justice Eady on July 21, 2003.

4. Attached as Exhibit 3 is a true and accurate copy of an annual report of Al Rajhi Banking and Investment Corporation dated 1998.

5. Attached as Exhibit 4 is a true and accurate copy of a synopsis on the Third Harvard University Forum on Islamic Finance entitled, "Islamic Finance: Local Challenges, Global Opportunities" held at Harvard University in Cambridge, Massachusetts on October 1, 1999. This synopsis can be found on the Internet at www.hifip.harvard.edu/forum.asp?Action=Third.

6. Attached as Exhibit 5 is a true and accurate copy of an article entitled, "Saudi banks buck international trend" as reported by Stephen Timewell in *The Banker* on April 2, 2002.

7. Attached as Exhibit 6 is a true and accurate copy of an affidavit entitled, "(Proposed Redacted) Affidavit in Support of Application for Search Warrant (October 2003)" filed on October 20, 2003, *In the Matter of Searches Involving 555 Grove Street, Herndon, Virginia, and Related Searches* (United States District Court for the Eastern District of Virginia). This affidavit can be found on the Internet at <http://www.usdoj.gov/usao/vae/ArchivePress/OctoberPDFArchive/03/safaaffid102003.pdf>

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2005.


Justin B. Kaplan